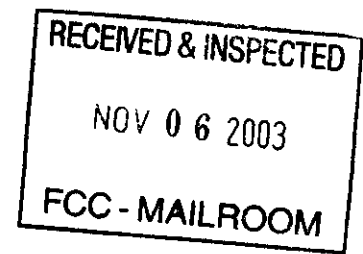


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WAYNE E BENNETT  
SUPERINTENDENT

NEW YORK STATE POLICE  
BLDG 22, 1220 WASHINGTON AVE  
ALBANY, NEW YORK 12226-2252



October 28, 2003

# ORIGINAL

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment  
ExParte, WT Docket No. 02-55

Dear Ms. Dortch:

The New York State Police operates an 800 MHz trunked radio system providing critical public safety communications for public safety personnel. Like many other law enforcement agencies, we are following the Consensus Plan for 800 MHz realignment with interest.

First responders in New York and across the Nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also need more 800 MHz spectrum to have “interoperable” communications among police and firefighters and among neighboring jurisdictions.

The Federal Communications Commission has before it a “Consensus Plan” that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders vitally need for radio communications. The Plan is supported by many groups including the Association of Public-Safety Communications Officials-International, Inc.; the International Association of Fire Chiefs, Inc. and International Municipal Signal Association; the International Chiefs of Police, the Major Cities Chiefs Association; the Major County Sheriffs’ Association; and the National Sheriffs’ Association. We also support this plan. The FCC should adopt the Consensus Plan in its public safety spectrum rulemaking, WT Docket No. 02-55.

The Consensus Plan offers a near-term solution to existing public safety radio problems. The Plan provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as a result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum reallocations called for by the Consensus Plan.

Mr. [redacted] [redacted]

Ms. Dortch

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October 28, 2003

Section 1 of the Communications Act of 1934, provides that the FCC is to "promot[e] safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan.

I request that the FCC resolve this issue facing the public safety community and adopt the terms of the Consensus Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne E. Bennett", with a long horizontal flourish extending to the right.

Wayne E. Bennett  
Superintendent